

11:10 am, Jun 03 2021

1:21-mj-1515 to -1517 TMD

AT BALTIMORE  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
BY \_\_\_\_\_ Deputy

**AFFIDAVIT IN SUPPORT OF**  
**APPLICATIONS FOR SEARCH WARRANTS**

I, Russell Alberti, a Special Agent with the Naval Criminal Investigative Service (NCIS) being duly sworn, state the following:

**AGENT BACKGROUND**

1. I am a Special Agent with NCIS and have been so since 2005. As such, I am an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Titles 18 and 10 of the United States Code.

2. I am currently assigned to the NCIS Office of Special Projects Criminal Squad, focused primarily on felony investigations involving US Navy and US Marine Corps members, as well as Department of Defense civilian employees. I am a graduate of the Criminal Investigator Training Program and the NCIS Special Agent Basic Training Program located at the Federal Law Enforcement Training Center (FLETC) in Brunswick, GA. I have also completed the Advanced Adult Sexual Violence Training Program, the Advanced Family and Sexual Violence Training Program, and several other training courses at FLETC. I have worked a variety of Criminal and Counterintelligence investigations, as well as joint investigations with local and federal law enforcement agencies, in the United States and foreign countries. I have conducted and participated in numerous investigations, searches, and seizures pertaining to sexual assaults, domestic violence, death, economic crimes, Counterintelligence, Counterterrorism, and the Law of Armed Conflict. I have participated in the execution of search warrants in various types of investigations involving searches and seizures of mobile phones, computers, computer equipment, electronically stored information, email accounts, and social media accounts.

3. This is an Affidavit provided in support of applications for search warrants pursuant to 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), and Federal Rules of Criminal Procedure 41. Specifically, I seek search warrants to require Instagram, LLC (“Instagram”); Google LLC (“Google”); and Oath Holdings, Inc. (“Yahoo!”); which are incorporated by reference herein and collectively referred to as the **Target Communication Accounts**; to disclose to the government records and other information in its possession that pertain to the subscribers or customers associated with an Instagram account, referred to as the **Target Instagram Account**; Google accounts, collectively referred to as the **Target Google Accounts**; and Yahoo! accounts, collectively referred to as the **Target Yahoo! Accounts**. The information to be searched is described in the following paragraphs and in Attachments B-1 through B-3, which are incorporated by reference herein.

4. As detailed further below, I believe these accounts belong to two different individuals: Giovonni POPE (the Subject) and Erica ANDERSON (DECEASED) (the Victim). Law enforcement learned these accounts were utilized by POPE and ANDERSON based on an investigation involving multiple law enforcement agencies.

5. This affidavit is being submitted in support of search warrants for records related to the following **Target Communication Accounts**:

**Instagram Account**

a. The following Instagram account and records that are stored at premises owned, maintained, controlled, or operated by: Facebook, Inc., a social networking company headquartered at 1601 Willow Road Menlo Park, California 94025:

Username	Believed to used by:
zamirlf (User ID: 35121213724)	Giovonni POPE

**Google Accounts**

b. The following Google accounts and records that are stored at premises owned, maintained, controlled, or operated by Google LLC, a business with offices located at 1600 Amphitheatre Parkway Mountain View, California 94043:

<b>Google ID</b>	<b>Believed to be used by:</b>
pope.g93@gmail.com	Giovonni POPE
giovonnipope93@gmail.com	Giovonni POPE
giovonnipope35@gmail.com	Giovonni POPE
giovonnipope81@gmail.com	Giovonni POPE
esande45@gmail.com	Erica ANDERSON

**Yahoo! Accounts**

c. The following Yahoo! accounts and records that are stored at premises owned, maintained, controlled, or operated by Oath Holdings, Inc., a business with offices located at 701 First Avenue, Sunnyvale, California 94089:

<b>Yahoo Account</b>	<b>Believed to used by:</b>
giovonni.pope@yahoo.com	Giovonni POPE
ericabelton@yahoo.com	Erica ANDERSON

6. Based on the facts set forth in this affidavit, I respectfully submit that there is probable cause to believe that Giovanni POPE committed murder, in violation of 18 U.S.C. § 1111, while accompanying the Armed Forces outside the United States, in violation of 18 U.S.C. § 3261(a)(1), and that the **Target Communication Accounts** contain evidence, fruits, or instrumentalities of this crime (as described more fully in Attachment B-1 through B-3).

7. Because this affidavit is being submitted for the limited purpose of establishing probable cause for search warrants, I have not included every detail of every aspect of the

investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of violations of the aforementioned federal statutes are located within the **Target Communication Accounts**. I have not, however, excluded any information known to me that would defeat a determination of probable cause. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, records, and reports. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrants and does not set forth all of my knowledge about this matter.

8. The Court has jurisdiction to issue the proposed warrant because it is a “court of competent jurisdiction” as defined in 18 U.S.C. § 2711. Specifically, the Court is a district court of the United States that has jurisdiction over the offense being investigated; *see* 18 U.S.C. § 2711(3)(A)(i).

### **PROBABLE CAUSE**

9. NCIS and the FBI are investigating the death of ANDERSON, who was allegedly killed by POPE, her 27-year-old son. The investigation is ongoing.

10. On January 31, 2021, ANDERSON was employed as a civilian Department of Defense (DOD) employee stationed at the Naval Support Activity in Bahrain. POPE resided in the same residence as ANDERSON, an off-base apartment, located at Kazerooni Heights-1, Building 2030, Road 5717, Block 0257, Flat#171, Seventeenth Floor, Amwaj, Bahrain (“the Residence”).

11. On the morning of February 1, 2021, one or more of ANDERSON’s co-workers at the Naval Computer and Telecommunications Station observed that ANDERSON was not present at work for her scheduled shift. Her coworkers attempted to contact her on her mobile telephone

but received no reply. One of her colleagues, a civilian employed with the DOD, drove to the Residence to check on ANDERSON. However, no one answered the door.

12. Concerned about ANDERSON's welfare, her work colleague and the Property Manager for the Residence opened the door to the Residence. Upon opening the door, ANDERSON's colleague and the Property Manager noticed a sheet or blanket covering what appeared to be a body near the entrance of the Residence. Shortly thereafter, NCIS agents arrived at the Residence and observed through the door what appeared to be a body under a gray sheet or blanket, and what appeared to be blood on the floor tile next to the blanket and on the wall adjacent to the door frame of the main entrance to the Residence.

13. Bahraini emergency services responded to the Residence. Upon entry, Emergency Medical Technicians (EMTs) removed the gray covering from the body. When medical personnel removed the covering from the top portion of ANDERSON's body, NCIS agents observed a black female with multiple wounds to the left side of her neck, left shoulder, left arm, and observed blood under the hair of her head. ANDERSON was wearing only a bra, underwear, and socks. No occupants were present inside the Residence with ANDERSON at that time. The EMTs pronounced ANDERSON deceased at approximately 12:40 PM. The Bahraini authorities took a photograph of ANDERSON's face, and ANDERSON's work colleague who was at the scene viewed the photograph and positively identified ANDERSON

14. A building employee reviewed the building's security cameras. The electronic recordings showed POPE leaving the building at approximately 9:13 PM on January 31, 2021, in ANDERSON's silver Ford Sport Utility Vehicle. The Bahrain Ministry of Interior (MOI) immediately assumed primary jurisdiction over the investigation and subsequently apprehended POPE in ANDERSON's vehicle. NCIS was informed that at the time he was apprehended, POPE

was wearing blood-stained clothing and had minor injuries to his hands. POPE was subsequently detained by MOI as a suspect in ANDERSON's apparent murder.

15. On February 6, 2021, NCIS agents were granted access to POPE to conduct a custodial interview. On February 9, 2021, NCIS agents conducted a recorded interrogation of POPE at the MOI Criminal Investigation Directorate (CID) facility in Adliya, Bahrain. At the time, POPE remained in Government of Bahrain (GOB) custody as part of GOB's investigation into the death of ANDERSON. POPE was advised of his rights under an Overseas Miranda Rights Advisement. POPE subsequently waived his right to an attorney and his right to remain silent. POPE stated that on January 31, 2021, he was home at the Residence working on ANDERSON's laptop computer on his online clothing business. POPE noted that, at approximately 3:30 PM, ANDERSON returned from work. Soon after returning home, POPE said ANDERSON declared she was dissatisfied at work and requested POPE kill her. Later in the interrogation, POPE admitted ANDERSON did not ask him to kill her. POPE stated that he could not secure employment in Bahrain and wanted to return to the United States to secure employment and be with his wife in California.<sup>1</sup> POPE noted he did not tell ANDERSON about his wife or his intentions to move to California. POPE further spoke of a past incident of violence in Bahrain, where he broke a vehicle window. According to POPE, ANDERSON had him committed to a mental health facility for evaluation and treatment.

16. POPE stated that when ANDERSON returned home from work, he went to the kitchen and got a red knife and then went to the room where his mother was sitting and stabbed her eighteen times. He also stated that he accidentally injured his own wrist when his mother

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<sup>1</sup> NCIS and FBI have not yet confirmed the status of POPE's relationship to the individual he identified in California.

moved her arm during one of his stabs. POPE said he then removed ANDERSON's sweater and jeans, put them in a bag of trash, and threw the bag down the garbage chute in the apartment building. He said that he rinsed the knife and cleaned up the apartment. POPE said that after he killed ANDERSON, he used his Navy Federal Credit Union debit card to purchase an airplane ticket for a flight on February 2, 2021, to the United States, to visit his wife in California. POPE stated he made the flight reservation using ANDERSON's same laptop computer he had been using for his online business earlier that day.

17. POPE recalled he also packed a bag in preparation for his flight to the United States. POPE stated he departed the Residence using ANDERSON's sport utility vehicle and was apprehended by MOI on February 1, 2021. POPE said he spoke with his wife the day prior to and the day after he stabbed his mother about his intentions to come to California. POPE noted he spoke with his wife using the Instagram application, which he accesses on both the laptop computer and his cellular telephone.

18. During the investigation, I reviewed crime scene photographs taken by Bahrain MOI CID. These photos show a large red kitchen knife with other dishes in the kitchen sink of the apartment. In addition, the photographs depict ANDERSON, lying on her back in the living room with numerous wounds visible on her body. The photographs portray what appear to be traces of blood on various surfaces in the residence, including on the wall beside the door, on the floor near the body in the living room, on the kitchen floor, on a light switch, and in the bathroom. The crime scene photographs also depict multiple electronic devices in the vicinity of the body.

19. On February 1, 2021, POPE told MOI investigators his Instagram username was "zamirlm" or "zamirln." An open source search to identify these usernames on Instagram was unsuccessful. However, an Instagram page with a username of "zamirlf" was identified. The

“zamirlf” account featured a picture of a man meeting the description of POPE, and a reference to “landsfinest,” which is the name of POPE’s aforementioned online clothing business. On March 5, 2021, a subpoena was served on Facebook, requesting subscriber information for the **Target Instagram Account**. On March 16, 2021, Facebook provided a response indicating the **Target Instagram Account** was registered to “Zamir”, created on May 10, 2020, and was linked to telephone number 973-3735-0308.

20. On February 9, 2021, NCIS personnel reviewed a copy of POPE’s resume, provided by an associate of ANDERSON. The resume listed POPE’s contact information as Bahraini telephone numbers 973-3735-0308 and 973-3542-9922, and email address “pope.g93@gmail.com.” An employment in-processing sheet was located by NCIS wherein ANDERSON identified her email address as “esande45@gmail.com.” On March 5, 2021, a subpoena was served on Google, requesting subscriber information for the **Target Google Accounts**. On March 16, 2021, Google provided a response indicating **Target Google Account** pope.g93@gmail.com was registered to “G Pope,” created on April 3, 2020, and linked to recovery telephone number 97335429922. **Target Google Account** esande45@gmail.com was registered to “EB Anderson,” created on February 5, 2010, and associated with recovery email ericabelton@yahoo.com and recovery telephone number 97335429922. A review of ANDERSON’s government email account yielded email messages from “giovonnipope93@gmail.com” in 2019. The emails were in response to emails sent by ANDERSON, in which she addressed the messages to “Giovonni.” One of the emails from “giovonnipope93@gmail.com” had an image of POPE’s passport attached. Additionally, ANDERSON’s government email contained an email forwarded from the account ericabelton@yahoo.com in 2019. The forwarded message contained header information stating it



was from “Giovonni Pope <giovonnipope35@gmail.com>.” The text of the message from “giovonnipope35@gmail.com” to ANDERSON began with “Hey Mom.” Finally, ANDERSON’s work email account contained a 2019 email chain between her and “giovonnipope35@gmail.com.” ANDERSON began the email chain with “Good Morning Son,” and asked which email address POPE wanted to use as his main address for a resume. The response from the “giovonnipope35@gmail.com” account was “giovonnipope81@gmail.com.”

21. On February 18, 2021, a review of ANDERSON’s civilian personnel file determined she utilized email address “ericabelton@yahoo.com.” The file further listed POPE’s email address as “giovonni.pope@yahoo.com.” On March 5, 2021, a subpoena was served on Oath Holdings, Inc. for the **Target Yahoo! Accounts**. On March 18, 2021, Yahoo! provided a response indicating **Target Yahoo Account** giovonni.pope@yahoo.com was registered to “Giovonni Pope”, created on December 22, 2014, and was linked to telephone number 5206788788. **Target Yahoo Account** ericabelton@yahoo.com was registered to “Erica Belton”, created on September 13, 2003, linked to alternate email address esande45@gmail.com, and was linked to telephone number 97335429922.

22. On March 31, 2021, United States Magistrate Judge Hon. Thomas M. DiGirolamo of the District Court of Maryland authorized a search warrant for twelve electronic devices recovered from the apartment shared by POPE and ANDERSON by the Bahrain MOI and the NCIS. One of the devices reviewed during the execution of the search warrant, an Android Redmi 6A cellular phone, was seized from POPE’s person at the time of his arrest on February 1, 2021. A review of the device determined it was in an unlocked state and linked to **Target Google Account** pope.g93@gmail.com and telephone number 973-3735-0308. The other electronic

devices were in a locked state and/or sent to the FBI Laboratory in Quantico Virginia for further exploitation.

### **AFFIANT'S TRAINING AND EXPERIENCE**

23. Based on my knowledge, training, and experience, individuals who participate in criminal activity frequently use social media and the Internet before and after those crimes. I know that individuals will use communication applications to research their crimes, obtain items material to the crime, and coordinate their post crime activities.

24. I know, based on my training knowledge and expertise that web-based communication accounts, such as those provided by Instagram, Google, and Yahoo! are increasingly common ways for persons to communicate. I am aware that Instagram users often use the messaging and posting functions to provide alternate contact information, such as additional Instagram accounts, e-mail accounts, phone numbers, and/or other social networking contact information in order to continue and facilitate their communications privately. Further, I am aware that Instagram, Google, and Yahoo! allow users to communicate privately. Instagram accounts often contain phone numbers, email addresses, messages and/or emails, photos, and other registration information. Similarly, Google and Yahoo! accounts may also contain phone numbers, alternate email addresses, messages and/or emails, photos, other registration information as well as location information. Furthermore, based on my training, knowledge, and experience, it is common for suspects to use social media and email accounts to plan and communicate about their crimes.

25. As explained herein, information stored in connection with online accounts may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or

alternatively, to exclude the innocent from further suspicion. In my training and experience, the information stored in connection with an online account can indicate who has used or controlled the account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, communications, contacts lists, and images sent (and the data associated with the foregoing, such as date and time) may indicate who used or controlled the account at a relevant time and their physical location.

26. Based on my training, knowledge, and experience, and the direct circumstances of this case, I believe that Giovonni POPE may have used the **Target Communication Accounts** to plan and execute the murder of Erica ANDERSON. I further believe Erica ANDERSON likely used the **Target Communication Accounts** to communicate with others about significant events or her state of mind prior to her death. I respectfully submit that here, the “items to be seized” is content and location-based information from the **Target Communication Accounts** belonging to the Subject and the Victim. The nexus between the communications sent and received by the Subject and the Victim, location information, and the criminal activity is to provide a timeline of the crime under investigation. In my experience, users of these services tend to keep and store communications and other information in their accounts well after the completion of such crimes and continue to communicate through these services about their crimes after the crimes have been completed. Thus, I believe that the **Target Communication Accounts** may provide additional evidence of these crimes and may still contain evidence that may be relevant to the investigation of these crimes.

#### **INFORMATION ABOUT INSTAGRAM**

27. Instagram owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.instagram.com>. Instagram allows its users to create their

own profile pages, which can include a short biography, a photo of themselves, and other information. Users can access Instagram through the Instagram website or by using a special electronic application (“app”) created by the company that allows users to access the service through a mobile device.

28. Instagram permits users to post photos to their profiles on Instagram and otherwise share photos with others on Instagram, as well as certain other social-media services, including Flickr, Facebook, and Twitter. When posting or sharing a photo on Instagram, a user can add to the photo: a caption; various “tags” that can be used to search for the photo (e.g., a user made add the tag #vw so that people interested in Volkswagen vehicles can search for and find the photo); location information; and other information. A user can also apply a variety of “filters” or other visual effects that modify the look of the posted photos. In addition, Instagram allows users to make comments on posted photos, including photos that the user posts or photos posted by other users of Instagram. Users can also “like” photos.

29. Upon creating an Instagram account, an Instagram user must create a unique Instagram username and an account password. This information is collected and maintained by Instagram.

30. Instagram asks users to provide basic identity and contact information upon registration and also allows users to provide additional identity information for their user profile. This information may include the user’s full name, e-mail addresses, and phone numbers, as well as potentially other personal information provided directly by the user to Instagram. Once an account is created, users may also adjust various privacy and account settings for the account on Instagram. Instagram collects and maintains this information.

31. Instagram allows users to have “friends,” which are other individuals with whom the user can share information without making the information public. Friends on Instagram may come from either contact lists maintained by the user, other third-party social media websites and information, or searches conducted by the user on Instagram profiles. Instagram collects and maintains this information.

32. Instagram also allows users to “follow” another user, which means that they receive updates about posts made by the other user. Users may also “unfollow” users, that is, stop following them or block the, which prevents the blocked user from following that user.

33. Instagram allows users to post and share various types of user content, including photos, videos, captions, comments, and other materials. Instagram collects and maintains user content that users post to Instagram or share through Instagram.

34. Instagram users may send photos and videos to select individuals or groups via Instagram Direct. Information sent via Instagram Direct does not appear in a user’s feed, search history, or profile.

35. Users on Instagram may also search Instagram for other users or particular types of photos or other content.

36. For each user, Instagram also collects and retains information, called “log file” information, every time a user requests access to Instagram, whether through a web page or through an app. Among the log file information that Instagram’s servers automatically record is the particular web requests, any Internet Protocol (“IP”) address associated with the request, type of browser used, any referring/exit web pages and associated URLs, pages viewed, dates and times of access, and other information.

37. Instagram also collects and maintains “cookies,” which are small text files containing a string of numbers that are placed on a user’s computer or mobile device and that allows Instagram to collect information about how a user uses Instagram. For example, Instagram uses cookies to help users navigate between pages efficiently, to remember preferences, and to ensure advertisements are relevant to a user’s interests.

38. Instagram also collects information on the particular devices used to access Instagram. In particular, Instagram may record “device identifiers,” which includes data files and other information that may identify the particular electronic device that was used to access Instagram.

39. Instagram also collects other data associated with user content. For example, Instagram collects any “hashtags” associated with user content (i.e., keywords used), “geotags” that mark the location of a photo and which may include latitude and longitude information, comments on photos, and other information.

40. Instagram also may communicate with the user, by email or otherwise. Instagram collects and maintains copies of communications between Instagram and the user.

41. As explained herein, information stored in connection with an Instagram account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, an Instagram user’s account activity, IP log, stored electronic communications, and other data retained by Instagram, can indicate who has used or controlled the Instagram account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, direct messaging logs,

shared photos and videos, and captions (and the data associated with the foregoing, such as geo-location, date and time) may be evidence of who used or controlled the Instagram account at a relevant time. Further, Instagram account activity can show how and when the account was accessed or used. For example, as described herein, Instagram logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Instagram access, use, and events relating to the crime under investigation. Additionally, Instagram builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Instagram “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Instagram account owner. Last, Instagram account activity may provide relevant insight into the Instagram account owner’s state of mind as it relates to the offense under investigation. For example, information on the Instagram account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

### **INFORMATION ABOUT GOOGLE**

42. Google provides numerous free services to the users with a Google account. Some of services include, Gmail, YouTube, Voice, Blogger, Google+, Android, Photos, Drive, Location History, and Search and Browsing History. Gmail is a web based email service. YouTube is a free video sharing website that allows users upload, view and share videos. Voice is Google’s calling, voicemail transcription, and text messaging service. Blogger is Google’s free weblog

publishing tool for sharing text, photos, and video. Google+ is a forum to share photos, videos, and other information with other users. Android is Google's open source operating system used for mobile devices. Photos stores images for a broad range of Google products. Drive is Google's online storage service for a wide range of file types.

### **INFORMATION ABOUT YAHOO!**

43. Oath Holdings Inc. (d/b/a Yahoo) provides numerous free services to the users with a Yahoo account. Some of the services include Mail, Flickr, and Messenger. Yahoo Mail is a web based email service. Flickr is an image and video hosting website that offers private and public image storage. A user uploading an image can set privacy controls that determine who can view the image. Yahoo Messenger is an instant messaging service that provides text and voice communication. Users can also share files and images through the Messenger service.

### **CONCLUSION**

44. By this affidavit and applications, I request that the Court issue the proposed search warrants, pursuant to 18 U.S.C. § 2703 and Federal Rule of Criminal Procedure 41(a), authorizing the search and seizure of information associated with the **Target Communication Accounts** described in Attachments A-1 through A-3 to seek items described in Attachments B-1 through B-3.

45. Based upon the information contained in this affidavit, your Affiant submits there is probable cause to believe the contents of the **Target Communication Accounts** contain the evidence, fruits, and/or instrumentalities of Murder, in violation of Title 18 U.S.C. § 1111; while



employed by or accompanying the Armed Forces outside the United States, in violation of 18 U.S.C. § 3261(a)(1).

46. I anticipate executing the warrant to search the **Target Communication Accounts** pursuant to Federal Rule of Criminal Procedure 41(a) and the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the warrant to require the aforementioned service and/or telecommunications providers to disclose to the government copies of the records and other information (including the content of communications) particularly described in Attachments B-1 through B-3.

47. Because the warrants will be served on electronic communications services and wireless phone companies who will then compile the requested records at a time convenient to them, there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.

Respectfully Submitted,

Russell Alberti

SA Russell Alberti  
Naval Criminal Investigative Service

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) this 20 day of May, 2021.

Thomas M. DiGirolamo

Hon. Thomas M. DiGirolamo  
United States Magistrate Judge